

Docket No. F-8591

Mail Stop PCT Legal

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Koji OGATA, et al.
Serial No. : 10/524,621
Filed : March 17, 2005
For : ANTI-ALUMINA-BUILDUP REFRACTORIES FOR
CASTING NOZZLES
Group Art Unit : 1725
Examiner : UNKNOWN
Confirmation No. : 8720
Customer No. : 000028107

RECEIVED**MAY 15 2008****PCT LEGAL
ADMINISTRATION****ATTN: MR. RAFAEL BACARES****Certificate of Facsimile Transmission Under 37 CFR 1.8**

I hereby certify that this correspondence is being transmitted in accordance with 37 CFR §1.6(d) to the United States Patent Office addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 14, 2008 to facsimile no. (571) 273-0459.

TOTAL NUMBER OF PAGES TRANSMITTED: 22

PLEASE TRANSMIT ACKNOWLEDGMENT TO 212 953 7733

Frank J. Jordan
(Name)


(Signature and Date)

05/14/08

MAIL STOP PCT LEGAL
Commissioner for Patents
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Alexandria, VA 22313-1450

**PETITION UNDER 35 U.S.C. 1.181
TO REVIVE AN UNAVOIDABLY ABANDONED
APPLICATION THROUGH NO FAULT OF THE APPLICANT**

Docket No. F-8591

Ser. No. 10/524,621

Sir:

A Notice of Abandonment was issued on July 21, 2006 indicating that this application was abandoned because of failure to respond to the Notice of Missing Parts mailed August 9, 2005. However, as applicant will document hereinafter, the required response to satisfy the Notice of Missing Parts mailed August 9, 2005 was timely filed on March 17, 2005, almost five months before the mailing date of the Notice of Missing Parts.

After receipt of the Notice of Abandonment dated July 21, 2006 applicant telephoned Ms. Mamie P. Person (Tel. No. (703) 308-9140 ext 227) at the USPTO on August 1, 2006 and informed Ms. Person that a Declaration/Power of Attorney was filed by Express Mail in the USPTO on March 17, 2005 along with a postal receipt card. Applicant also informed Ms. Person that applicant had a copy of the Express Mail label date stamped by the U.S. Postal Office on March 17, 2008 and a postal receipt card stamped by the USPTO on March 17, 2005 (copies enclosed).

Applicant was informed by Ms. Person to submit the Express Mail label, the postal receipt card, the Notice of Abandonment and the Declaration/Power of Attorney signed by all inventors to her by facsimile. All the required documents were faxed to Ms. Person on August 2, 2006 and copies thereof are enclosed.

Docket No. F-8591

Ser. No. 10/524,621

Applicant again contacted Ms. Person on May 2, 2007 regarding the status of this application where she informed us to re-submit the documents previously sent to her on August 2, 2006. Upon her instructions, we re-submitted (for the second time) all documents faxed to Ms. Person on August 2, 2006 and these re-submitted documents were indicated as received on May 2, 2007 by the PTO PAIR System.

A third telephone call was placed to Ms. Person on January 15, 2008 regarding the status of this application and she again informed us she must have misplaced the paperwork because she did not have them and requested that the copies be faxed again to her for the third time and copies these thrice submitted documents which were faxed to the Patent Office on January 15, 2008 are enclosed.

Applicant has received from the USPTO a Communication on Decision dated February 13, 2008 indicating this application remains abandoned. Applicant telephoned Ms. Rafael Bacares on March 11, 2008 who advised client to file a Petition Under 37 CFR 1.181.

Applicant therefore request reinstatement of the above-identified patent application and are enclosing copies of the following documents:

Docket No. F-8591

Ser. No. 10/524,621

- (A) Postal receipt card (front and back) stamped "DT03 Rec'd PCT/PTO 17 March 2005" as applicable to applicant's Docket No. F-8591, Serial No. 10/524,621;
- (B) Copy of the United States Express Mail Label EV 585 006 447 US with postal stamp dated March 17, 2005, as applicable to applicant's Docket No. F-8591 which corresponds to applicant's Serial No. 10/524,621;
- (C) Copy of Documents submitted to PTO on August 2, 2006, May 2, 2007, and on January 15, 2008;
- (D) PTO Decision dated February 13, 2008; and
- (E) PTO Notification of Abandonment dated July 21, 2006.

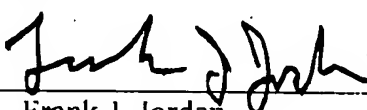
Docket No. F-8591

Ser. No. 10/524,621

No fee is believed due because the abandonment did not result from any fault of the applicant as the enclosed documents prove. Therefore, the Petition is being filed Under 37 CFR 1.181. However, in the alternative, if the Petition is considered to be filed Under 37 CFR 1.137(a), if there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

Respectfully submitted,

JORDAN AND HAMBURG LLP

By 
Frank J. Jordan
Reg. No. 20,456
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

FJJ/cj

Enc. Enclosures (A), (B), (C), (D) and (E) as listed above



UNITED STATES PATENT and TRADEMARK OFFICE

13 FEB 2008

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168


In re Application of
OGATA et al
Application No.: 10/524,621
PCT No.: PCT/US2003/010474
Int. Filing Date: 19 August 2003
Priority Date: 20 August 2002
Attorney Docket No.: F-8591
For: ANTI-ALUMINA-BUILDUP REFRACTORIES,
FOR CASTING NOZZLES

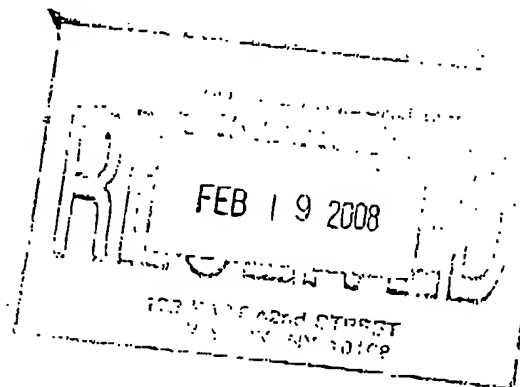
DECISION

Applicants' submission on 02 May 2007 does not include a petition requesting withdrawal of the holding of abandonment or a petition for revival of the application, as would be required before further action could be taken with respect to the present abandoned application. Moreover, the submission does not include a signed communication with instructions or an explanation as to what applicants are requesting with the present submission.

Applicants' 02 May 2007 submission has been placed in the application file, but no further action will be taken thereon.

The application remains ABANDONED.


Rafael Bacarcs
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459



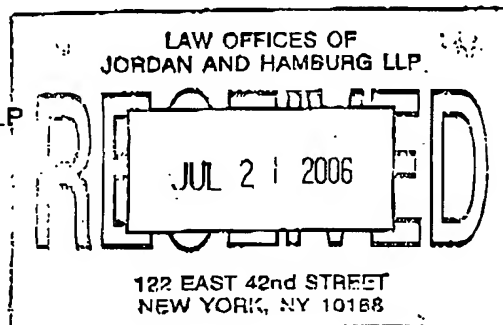


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/524,621	Koji Ogata	F-8591

000028107
JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168



INTERNATIONAL APPLICATION NO.	
PCT/JP03/10474	
I.A. FILING DATE	PRIORITY DATE
08/19/2003	08/20/2002

CONFIRMATION NO. 8720

371
ABANDONMENT/TERMINATION
LETTER

OC000000019661826

Date Mailed: 07/19/2006

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 08/09/2005 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 4971
RECIPIENT ADDRESS 15712709985
DESTINATION ID
ST. TIME 01/15 16:28
TIME USE 01'44
PAGES SENT 14
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JORDAN AND HAMBURG LLP

Chanin Building
122 East 42nd Street
New York, NY 10168

Telephone: (212) 986-2340

Facsimile: (212) 953-7733

FACSIMILE COVER SHEET

CONFIDENTIALITY NOTE: The information contained in this facsimile message is privileged and confidential, intended only for the use of the individual or entity named below. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address listed above via the United States Postal Service. We will reimburse for postage on all such returned messages.

TO : Ms. Mamie Person
FAX NO. : (571) 270-9985
FROM : Cecilia Sevilla / Frank J. Jordan
DATE : January 15, 2008

Re: Docket No. : F-8591
Serial No. : 10/524,621
Filed : March 17, 2005
For : ANTI-ALUMINA-BUILDUP REFRACTORIES FOR
CASTING NOZZLES

As per our telephone conversation of today, January 15, 2008, enclosed are copies of our fax dated August 2, 2006.

JORDAN AND HAMBURG LLP

Chanin Building
122 East 42nd Street
New York, NY 10168

Telephone: (212) 986-2340

Facsimile: (212) 953-7733

FACSIMILE COVER SHEET

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For : ANTI-ALUMINA-BUILDUP REFRACTORIES FOR
CASTING NOZZLES

As per our telephone conversation of today, January 15, 2008, enclosed are copies of our fax dated August 2, 2006.

We are sending 14 page(s) (including this cover sheet). Please call (212) 986-2340 immediately if transmission is interrupted or of poor quality.

JORDAN AND HAMBURG LLP

Chanin Building
122 East 42nd Street
Suite 4000
New York, NY 10168

Telephone: (212) 986-2340

Facsimile: (212) 953-7733

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TO : Mamie P. Person
Fax No. : (571) 270-9985
FROM : Cecilia Sevilla/Frank J. Jordan
DATE : August 2, 2006
Re. : Notice of Abandonment for:
Serial No. 10/524,621
Our Ref.: F-8591
and
Serial No. 10/524,620
Our Ref.: F-8592

Re-faxed
May 2, 2007

Re-faxed
January 15, 2008

As per our telephone conversation of August 1, 2006, enclosed please find the following copies:

- 1) Express Mail Label EV 585 006 447 US;
- 2) Postal Receipt card (front and back) for each application stamped, March 17, 2005, by the U.S. Patent and Trademark Office indicating that the Declaration/Power of Attorney was received in the PCT/PTO;
- 3) Copy of Declaration/Power of Attorney for each application listed above; and
- 4) Copy of Notice of Abandonment for each application.

If you should have any questions, please contact me at the above telephone number. Thank you.

We are sending 22 pages (including this cover sheet). Please call (212) 986-2340 immediately if transmission is interrupted or of poor quality.

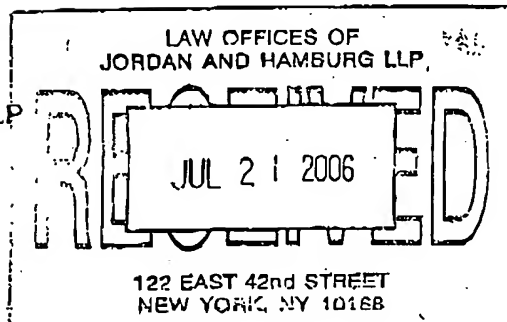


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/524,621	Koji Ogata	F-8591

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INTERNATIONAL APPLICATION NO.	
PCT/IP03/10474	
I.A. FILING DATE	PRIORITY DATE
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MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

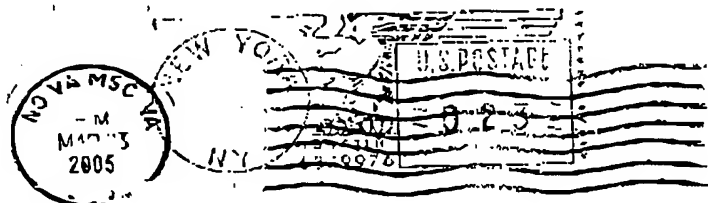
Docket No. F-8591Serial No. 10/524,621CBH ☐ FIVE ☒

The date stamp of the Patent Office hereon may be considered
as the date on which papers indicated below were received.

New Application	<input type="checkbox"/>	Dec./Power of Att.	<input checked="" type="checkbox"/>
RCE	<input type="checkbox"/>	Assignment	<input type="checkbox"/>
Supplemental Amendment	<input type="checkbox"/>	Priority Document	<input type="checkbox"/>
Preliminary Amendment	<input type="checkbox"/>	IDS/IDC	<input type="checkbox"/>
English Translation App.	<input type="checkbox"/>	Notice of Appeal	<input type="checkbox"/>
Marked Specification	<input type="checkbox"/>	Appeal Brief	<input type="checkbox"/>
Substitute Specification	<input type="checkbox"/>	Issue Fee	<input type="checkbox"/>
Letter to Draftsman/Drawings	<input type="checkbox"/>	Statement of Use	<input type="checkbox"/>
Resp. to O.A.	<input type="checkbox"/>	Section 8 and	<input type="checkbox"/>



Date of Doc. being mailed: 3/17/05
(Patent Office. Please stamp and return to addressee on reverse side.)

DT03 Rec'd PCT/PTO 17 MAR 2005



JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
NEW YORK, NEW YORK 10168



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Date Accepted	Scheduled Date of Delivery	Return Receipt Fee	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM Employee Signature
Mo. Day Year	Month Day	ODD Fee Insurance Fee	Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM Employee Signature
Time Accepted <input type="checkbox"/> AM <input type="checkbox"/> PM	Scheduled Time of Delivery <input type="checkbox"/> Noon <input type="checkbox"/> 2 PM	Total Postage & Fees		
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CUSTOMER USE ONLY METHOD OF PAYMENT Certified Mail Corporate Acct. No. <input checked="" type="checkbox"/> 1005321		Special Agent's Note Ref. or Other Service Acct. No.		
FROM: (PLEASE PRINT) JORDAN & HAMBURG, LLP 122 E 42ND ST RM 4000 NEW YORK NY 10168-0000		TO: (PLEASE PRINT) MAIL STOP PC COMMISSIONER FOR PARENTS PO BOX 1450 ALEXANDRIA VA 22313-1450		
F-8592 / F-8591 / F-8590				
FOR PICKUP OR TRACKING: VISIT WWW.USPS.COM or Call 1-800-222-1811				



F-8591

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Koji OGATA, et al.
Serial No. : 10/524,621
For : ANTI-ALUMINA-BUILDUP REFRACTORIES
FOR CASTING NOZZLES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

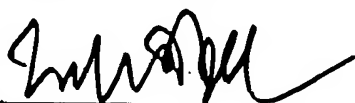
SUBMISSION OF DECLARATION

Sir:

The application was filed without a declaration and the declaration is submitted herewith. Please charge the \$130.00 government fee for late filing of the declaration to Deposit Account 10-1250. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 10-1250.

Respectfully submitted,

Jordan and Hamburg LLP

By 
Frank J. Jordan
Reg. No. 20,456
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340

Express Mail mailing label No. EV 585006447 US
Date of Deposit: March 17, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Evelis Otero

DECLARATION OF POWER OF ATTORNEY
特許出願宣言書及び委任状

Japanese Language Declaration
日本語宣言書

Docket No. F-8591

As a below named inventor, I hereby declare that:

下記指名発明者として、私は以下の通り宣言します。

My residence, post office address and citizenship are as stated next to my name.

私の住所、郵便の宛先、国籍は下記の私の氏名の後に記載された通りです。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

下記の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者(下記の氏名が一つの場合)もしくは最初かつ共同発明者(下記の名称が複数の場合)であると信じます。

ANTI-ALUMINA-BUILDUP REFRACTORIES FOR CASTING NOZZLES

the specification of which is attached hereto unless the following box is checked

上記発明の明細書(右に x 印がついていない場合は、本書に添付)は、



was filed on:

右の日付で August 19, 2003

as United States Application Number or PCT International Application Number

下記米国出願番号または特許協定条約国際出願番号として提出され、

PCT/JP2003/010474

and was amended on (if applicable):

(該当する場合)右の日付に補正されました。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、特許請求範囲を含む上記明細書、及び該当する場合は上記補正を確認し、内容を理解していることをここに表明します。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

私は、連邦規則法典第37編 第1条56項に定義されるとおり、特許資格の有無について関連ある情報を開示する義務があることを認めます。

I hereby claim foreign priority under Title 35, United States Code, Section 119 (a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

私は、米国法典第35編 119条(a)-(d)項又は365条(b)項に基づき下記の、米国以外の国の少なくとも一カ国を指定している特許協力条約365(a)項に基づく国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を、以下に枠内をマークすることで、示しています。

Prior Foreign Application(s)

外国での先行出願

Priority Not Claimed

優先権主張なし

<u>2002-239940</u>	<u>Japan</u>	<u>20 August 2002</u>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	
(番号)	(国名)	(出願年月日)	
<u> </u>	<u> </u>	<u> </u>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	
(番号)	(国名)	(出願年月日)	
<u> </u>	<u> </u>	<u> </u>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	
(番号)	(国名)	(出願年月日)	

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

私は、米国法典第 35 編 119 条 (e) 項に基づいて、下記の米国特許出願規定に記載された権利をここに主張いたします。

(Application No.)

(出願番号)

(Filing Date)

(出願日)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of the application.

私は、米国法典第 35 編 120 条又は特許協力条約 365 条(c)に基づいて、下記の米国特許出願又は米国を指定している PCT 国際出願に基づく権利をここに主張します。又、本出願の各請求範囲の内容で、米国法典第 35 編 112 条第 1 項で規定された方法で、先行する米国特許出願又は PCT 国際出願に開示されないものに関して、連邦規則法典第 37 編 1 条 56 項で定義された特許資格の有無に関連する情報の、その先行米国出願提出日から本出願の日本国内提出日または PCT 国際出願提出日までの期間中に公開されたものについて、開示義務があることを認識します。

(Application No.)

(出願番号)

(Filing Date)

(出願日)

(Status: Patented/Pending /Abandoned)

(現況: 特許許可済、係属中、放棄済)

(Application No.)

(出願番号)

(Filing Date)

(出願日)

(Status: Patented/Pending /Abandoned)

(現況: 特許許可済、係属中、放棄済)

(Application No.)

(出願番号)

(Filing Date)

(出願日)

(Status: Patented/Pending /Abandoned)

(現況: 特許許可済、係属中、放棄済)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on Information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 in the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

私は、自身の知識に基づいて、本宣言書中で行う表明が真実であり、かつ私の入手した情報と私の信じるところに基づく弁明が全て真実であると信じること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基づき、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の声明を行えば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣言致します。

POWER OF ATTORNEY:

委任状

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (list name and registration number)

私は指名発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁護士または代理人として、下記の者を指名いたします。(弁護士、または代理人の氏名及び登録番号を明記のこと)

Frank J. Jordan	Reg. No. 20,456
C. Bruce Hamburg	Reg. No. 22,389
Herbert F. Ruschmann	Reg. No. 35,341
Jacqueline M. Steady	Reg. No. 44,354
Lawrence Wechsler	Reg. No. 36,049
Marvin Turken	Reg. No. 18,330
Alfred D'Andrea	Reg. No. 27,752

Send Correspondence to:

書類送付先

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168

Direct Telephone Calls to: (name and phone number)

電話連絡先 (名前及び電話番号)

Frank J. Jordan
(212) 986-2340

唯一または第一発明者 Full name of sole or first inventor Koji OGATA
発明者署名 / 日付 Inventor's signature / Date <i>Koji Ogata</i> <i>March 1, 2005</i>
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国籍 Citizenship Japan
郵便の宛先 Post Office Address c/o KROSAKIHARIMA CORPORATION 1-1, Higashihama-machi, Yahatanishi-ku Kitakyushu-shi, Fukuoka, 806-8586, Japan

第二共同発明者氏名 (該当する場合) Full name of second joint inventor, if any Donald Bruce HOOVER	
第二発明者署名 / 日付 Second inventor's signature / Date	Donald B. Hoover March 3, 2005
住所 Residence York, PA 17403, U.S.A.	
国籍 Citizenship US	
郵便の宛先 Post Office Address	Hillock Lane 1710 York, PA 17403, U.S.A.

*** TX REPORT ***

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TX/RX NO 2693
RECIPIENT ADDRESS 15712709985
DESTINATION ID
ST. TIME 08/02 10:57
TIME USE 07'20
PAGES SENT 22
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JORDAN AND HAMBURG LLP
Chanin Building
122 East 42nd Street
Suite 4000
New York, NY 10168

Telephone: (212) 986-2340
Facsimile: (212) 953-7733

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TO : Mamie P. Person
Fax No. : (571) 270-9985
FROM : Cecilia Sevilla/Frank J. Jordan
DATE : August 2, 2006
Re. : Notice of Abandonment for:
Serial No. 10/524,621
Our Ref.: F-8591
and
Serial No. 10/524,620
Our Ref.: F-8592

As per our telephone conversation of August 1, 2006, enclosed please find the following copies:

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RECIPIENT ADDRESS 15712709985
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ST. TIME 05/02 11:34
TIME USE 03'23
PAGES SENT 24
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Re. : Notice of Abandonment for:
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and
Serial No. 10/524,620
Our Ref.: F-8592

Re-faxed
May 2, 2007

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RECIPIENT ADDRESS	12129537733
DESTINATION ID	
ST. TIME	05/14 14:46
TIME USE	02'22
PGS.	22
RESULT	OK